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DAC

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)Docket Number (Optional)
JP919990703US1

First Named Inventor: Rajendra Kumar Bera

Art Unit: 2121

Application Number: 09/727,846

Examiner: Nahar, Qamrun

Filed: 12/1/2000

Title: METHOD OF DETERMINING THE SYNTACTIC CORRECTNESS OF EXPRESSIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

Small entity - fee \$ _____ (37 CFR 1.17(l)) Applicant claims small entity status..
See 37 CFR 1.27.

Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).
(Deposit Acct. 09-0457 (IBM))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

Request for Reconsideration _____ (identify the type of reply):
 has been filed previously on _____.
 is enclosed herewith.

B. The issue fee of \$ _____

has been paid previously on _____.
 is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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10/19/2004 HAL111
01 FC:1452

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OCT 21 2004
OFFICE OF PETITIONS

OCT 18 2004

PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
JA919999793US1

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for a non-small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.

10/15/2004

Date

Jack P. Friedman

Signature

(518) 220-1850

Telephone Number

Jack P. Friedman

Typed or printed name

44,688

Registration Number, if applicable

Schmeiser, Olsen & Watts, 3 Lear Jet Lane, Suite 201

Address

Latham, NY 12110

Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unavoidable delay

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

10/15/2004

Date

Kim Dwileski

Signature

Kim Dwileski

Typed or printed name of person signing certificate



PTO/SB/61 (11-03)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

10/15/04

Date

Jack P. Friedman

Signature

44,688
Registration Number, if applicable

Jack P. Friedman
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The U. S. Patent and Trademark Office issued an Office Action on February 13, 2004. It was not responded to because it was not received by our office until Examiner Nahar faxed it to us 09/27/2004.

February 1, 2002. T. Rao Coca was given Power of Attorney and official communications were to be addressed to him.

February 13, 2004. The Office Action was issued.

February 14, 2004. Anthony England was given Power of Attorney. Along with the submission of this paperwork to the United States and Trademark Office, Mr. England included a Status Inquiry.

February 26, 2004. Jack Friedman was given Power of Attorney. At this time there was no indication that an Office Action existed.

August 17, 2004. The Patent Office contacted Jack Friedman by phone, inquiring as to why the Office Action had not been addressed. At this time, the application had already gone abandoned.

August 22, 2004 (thereabout). IBM, the assignee, was contacted to see if they had received the Office Action. They had not seen it.

September 9, 2004. The Notice of Abandonment for failure to timely file a proper reply to the February 13, 2004, Office Action was received.

September 27, 2004. Examiner Qamrun Natar faxed a copy of the 2/13/2004 Office Action to Jack Friedman.

Exhibit 1: Appointment of Attorney T. Rao Coca to the application. He had the Power of Attorney on the date the 02/13/2004 Office Action was issued. We have no record that he received the Office Action.

Exhibit 2: Power of Attorney given to Anthony England. A Status Inquiry was filed with it. We have no record that Anthony England received the Office Action. We have no record that the Patent and Trademark Office responded to the Status Inquiry, which would have indicated an Office Action had been issued.

(Please attach additional sheets if additional space is needed.)



Exhibit 1

RECEIPT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Rajendra K. Bera
Serial No.: 09/727,846
Filed: December 1, 2000
For: A METHOD OF DETERMINING THE SYNTACTIC CORRECTNESS OF EXPRESSIONS

: Confirmation No. 3905
: Group Art Unit: 2121
: Examiner:
: Docket No.: JP919990703US1

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FEB 01 2002

Technology Center 2100

Commissioner for Patents
Washington, D.C. 20231



Sir:

The undersigned attorney, who has been appointed as an attorney in the Combined Declaration and Power of Attorney for the above-identified application, hereby appoints the following [of International Business Machines Corporation, Almaden Research Center, 650 Harry Road, San Jose, California 95120, telephone number (408) 927-3360] his associate attorneys to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith:

T. Rao Coca (Reg. No. 29,784), Thomas R. Berthold (Reg. No. 28,689), Daniel E. Johnson (Reg. No. 37,033), Marc D. McSwain (Reg. No. 44,929), Alison D. Mortinger (Reg. No. 39,306), Khanh Q. Tran (Reg. No. 41,352)

Please direct all official communications to T. Rao Coca, at the address cited above.

Respectfully submitted,
Attorney for the Applicant(s)

Dated: 1/23/02

by Manny Scheeter
Manny Scheeter
Reg. No. 31,722
Tel.: (914) 945-3252

IBM Corporation
Intellectual Property Law Department
P. O. Box 218
Yorktown Heights, NY 10598
Fax: 914-945-3281

Exhibit 2

Auto-Reply Facsimile Transmission



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TO: Fax Sender at 512 322 0211

Fax Information

Date Received:

2/14/2004 9:15:26 PM [Eastern Standard Time]

Total Pages:

3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

02/14/2004 20:10 512-322-0211		ANTHONY ENGLAND		PAGE 01																				
<small>Under the Patent Protection Act of 1995, no action can now be taken to suspend or collect payment of fees or charges unless it is done in accordance with the fee schedule of the U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE. Application Number 09/727,446</small>																								
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>																								
<table border="1"><tr><td colspan="2">Application Number</td><td>09/727,446</td></tr><tr><td colspan="2">Filing Date</td><td>12/01/2000</td></tr><tr><td colspan="2">First Named Inventor</td><td>Bowz</td></tr><tr><td colspan="2">Art. Unit</td><td>2131</td></tr><tr><td colspan="2">Examiner Name</td><td>unknown</td></tr><tr><td>Total Number of Pages in This Submission</td><td>3</td><td>Attorney Docket Number</td><td colspan="2">JAS-06-703</td></tr></table>					Application Number		09/727,446	Filing Date		12/01/2000	First Named Inventor		Bowz	Art. Unit		2131	Examiner Name		unknown	Total Number of Pages in This Submission	3	Attorney Docket Number	JAS-06-703	
Application Number		09/727,446																						
Filing Date		12/01/2000																						
First Named Inventor		Bowz																						
Art. Unit		2131																						
Examiner Name		unknown																						
Total Number of Pages in This Submission	3	Attorney Docket Number	JAS-06-703																					
ENCLOSURES (Check off that apply)																								
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Réply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.63		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)																						
<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Status Inquiry Remarks																								
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT																								
Firm or Individual name	Anthony V.S. England																							
Signature	<i>Anthony V.S. England</i>																							
Date	2/14/2004																							
CERTIFICATE OF TRANSMISSION/MAILING																								
<small>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage and that same will in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.</small>																								
Typed or printed name	Anthony V.S. England																							
Signature	<i>Anthony V.S. England</i>																							
				Date 2/14/2004																				
<small>This collection of information is required by 37 CFR 1.3. The information is used to determine which office or office(s) by the public which is to be (and by the USPTO to process) an application. Confidentiality is provided by 37 U.S.C. 122 and 37 CFR 1.4. This collection is mandatory to receive a patent or trademark. The public is not compelled to provide the information contained in this form, however, failure to provide requested information may result in nonprocessing of the application or grant. Any comments on the use of this form or requests for changes in the form and/or suggestions for reducing burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. MAIL TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</small>																								
<small>If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.</small>																								
<small>PAGE 01 RCVD AT 2/14/2004 9:15:26 PM [Eastern Standard Time] SVR:USPTO-BXRF-10 DBS:1729305 CSID:512 322 0211 DURATION (min-s):01-01</small>																								

TRANSMISSION VERIFICATION REPORT

2 of 5

TIME : 02/14/2004 20:19

DATE, TIME	02/14 20:18
FAX NO./NAME	*7017038729306
DURATION	00: 00: 50
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

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PTO/SB/21 (08-03)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/727,846
Filing Date	12/01/2000
First Named Inventor	Bera'
Art Unit	2121
Examiner Name	unknown
Total Number of Pages in This Submission	3
Attorney Docket Number	JA9-99-703

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Anthony V.S. England
Signature	
Date	2/14/2004

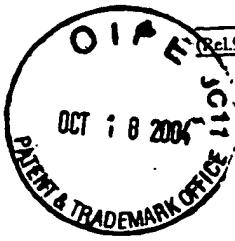
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Anthony V.S. England
Signature	
Date	2/14/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(Rev.91-7/02 Pub.605)

FORM 12-7

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OCT 21 2004
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4 of 5

Practitioner's Docket No. JA9-99-703

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rajendra K. Bera
Application No.: 09 / 727,846 Group No.: 2121
Filed: 12/01/2000 Examiner: Unassigned
For: Method of Determining the Syntactic Correctness of Expressions

Commissioner for Patents
Washington, D.C. 20231

ASSOCIATE POWER OF ATTORNEY (37 C.F.R. § 1.34)

NOTE: Submission of a Power of Attorney after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

Please recognize as Associate Practitioner in this case:

Name of practitioner Anthony England

Address 1717 West Sixth Street, Suite 230
Austin, TX 78703

Reg. No. 35,129

Tel. No. (512) 477-7165

NOTE: Correspondence will be held with the associate attorney, unless the principal attorney directs otherwise.
MPEP § 403.01.

NOTE: An associate attorney may not appoint another attorney. M.P.E.P. § 402.02, 6th ed.

SIGNATURE OF PRINCIPAL PRACTITIONER OF
RECORD

Reg. No.: 29,784

T. Rao Coca
(type or print name of practitioner)

Tel. No.: (408) 927-3360

650 Harry Road
P.O. Address

Customer No.:

San Jose, CA 95120



In the United States Patent and Trademark Office

In re the application of:)
Rajendra K. Bera)
Filed: 12/01/2000) Group Art Unit: 2121
For: Method of Determining the) Examiner: unknown
Syntactic Correctness of)
Expressions)
Application No. 09/736,349)
Applicant's Docket:)
JA9-99-703)

RECEIVED
OCT 21 2004
OFFICE OF PETITIONS

STATUS INQUIRY

We have not received an Office action for the subject application. Please advise as to the status of this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony V. S. England".

Anthony V. S. England
Attorney for Applicant
Registration No. 35,129
1717 West Sixth Street
Suite 230
Austin, TX 78703
a@aengland.com
512-477-7165